

THE ARMS ACT, 1959

CHAPTER III PROVISIONS RELATING TO LICENSES

Grant of Licenses.-

1. An application for the grant of a license under Chapter II shall be made to the licensing authority and shall be in such form, contain such particulars and be accompanied by such fee, if any, as may be prescribed.
2. On receipt of an application, the licensing authority, after making such inquiry, if any, as it may consider necessary, shall, subject to the other provisions of this Chapter, by order in writing either grant the license or refuse to grant the same.
3. The licensing authority shall grant—
 - (a) A license under section 3 where the license is required—
 - (i) by a citizen of India in respect of a smooth bore gun having a barrel of not less than twenty inches in length to be used for protection or sport or in respect of a muzzle loading gun to be used for bonafide crop protection.
 - (ii) Provided that where having regard to the circumstances of any case, the licensing authority is satisfied that a muzzle loading gun will not be sufficient for crop protection, the licensing authority may grant a license in respect of any other smooth bore gun as aforesaid for such protection, or
 - (iii) In respect of a point 22 bore rifle or an air rifle to be used for target practice by a member of a rifle club or rifle association licensed or recognised by the Central Government;
 - (b) A license under section 3 in any other case or a license under section 4, section 5, section 6, section 10 or section 12, if the licensing authority is satisfied that the person by whom the license is required has a good reason for obtaining the same.

Refusal of licenses.-

- (1) Notwithstanding anything in section 13, the licensing authority shall refuse to grant
 - a. a license under section 3, section 4 or section 5 where such license is required in respect of any prohibited arms or prohibited ammunition
 - b. a license in any other case under Chapter II,-
 - I. where such license is required by a person whom the licensing authority has reason to believe-
 - i. to be prohibited by this Act or by any other law for the time being in force from acquiring, having in his possession or carrying any arms or ammunition, or
 - ii. to be of unsound mind, or
 - iii. to be for any reason unfit for a license under this Act; or

- II. Where the licensing authority deems it necessary for the security of the public peace or for public safety to refuse to grant such license.
- (2) The licensing authority shall not refuse to grant any license to any person merely on the ground that such person does not own or possess sufficient property.
- (3) Where the licensing authority refuses to grant a license to any person it shall record in writing the reasons for such refusal and furnish to that person on demand a brief statement of the same unless in any case the licensing authority is of the opinion that it will not be in the public interest to furnish such statement.

Duration and renewal of license.

- (1) A license under section 3 shall, unless revoked earlier, continue in force for a period of three years from the date on which it is granted.
Provided that such a license may be granted for a shorter period if the person by whom the license is required so desires or if the licensing authority for reasons to be recorded in writing considers in any case that the license should be granted for a shorter period.
- (2) A license under any other provision of Chapter II shall, unless revoked earlier, continue in force for such period from the date on which it is granted as the licensing authority may in each case determine.
- (3) Every license shall, unless the licensing authority for reasons to be recorded in writing otherwise decides in any case, be renewable for the same period for which the license was originally granted and shall be so renewable from time to time, and the provisions of sections 13 and 14 shall apply to the renewal of a license as they apply to the grant thereof.

Fees, etc. for license.-

The fees on payment of which, the conditions subject to which and the form in which a license shall be granted or renewed shall be such as may be prescribed.

Provided that different fees, different conditions and different forms may be prescribed for different types of licenses.

Provided further that a license may contain in addition to prescribed conditions such other conditions as may be considered necessary by the licensing authority in any particular case.

Variation, Suspension and Revocation of licenses.-

- (1) The licensing authority may vary the conditions subject to which a license has been granted except such of them as have been prescribed and may for that purpose require the license-holder by notice in writing to deliver-up the license to it within such time as may be specified in the notice.
- (2) The licensing authority may, on the application of the holder of a license, also vary the conditions of the license except such of them as have been prescribed.

- (3) The licensing authority may by order in writing suspend a license for such period as it thinks fit or revoke a license,-
- (a) if the licensing authority is satisfied that the holder of the license is prohibited by this Act or by any other law for the time being in force, from acquiring, having in his possession or carrying any arms or ammunition, or is of unsound mind, or is for any reason unfit for a license under this Act; or
 - (b) if the licensing authority deems it necessary for the security of the public peace or for public safety to suspend or revoke the license; or
 - (c) if the license was obtained by the suppression of material information or on the basis of wrong information provided by the holder of the license or any other person on his behalf at the time of applying for it; or
 - (d) if any of the conditions of the license has been contravened; or
 - (e) if the holder of the license has failed to comply with a notice under sub-section (1) requiring him to deliver-up the license.
- (4) The licensing authority may also revoke a license on the application of the holder thereof.
- (5) Where the licensing authority makes an order varying a license under sub-section (1) or an order suspending or revoking a license under sub-section (3), it shall record in writing the reasons therefor and furnish to the holder of the license on demand a brief statement of the same unless in any case the licensing authority is of the opinion that it will not be in the public interest to furnish such statement.
- (6) The authority to whom the licensing authority is subordinate may by order in writing suspend or revoke a license on any ground on which it may be suspended or revoked by the licensing authority; and the foregoing provisions of this section shall, as far as may be, apply in relation to the suspension or revocation of a license by such authority.
- (7) A court convicting the holder of a license of any offence under this Act or the rules made thereunder may also suspend or revoke the license, provided that if the conviction is set aside on appeal or otherwise, the suspension or revocation shall become void.
- (8) An order of suspension or revocation under sub-section (7) may also be made by an appellate court or by the High Court when exercising its powers of revision.
- (9) The Central Government may, by order in the Official Gazette, suspend or revoke or direct any licensing authority to suspend or revoke all or any licenses granted under this Act throughout India or any part thereof.
- (10) On the suspension or revocation of a license under the section the holder thereof shall without delay surrender the license to the authority by whom it has been suspended or revoked or to such other authority as may be specified in this behalf in the order of suspension or revocation.